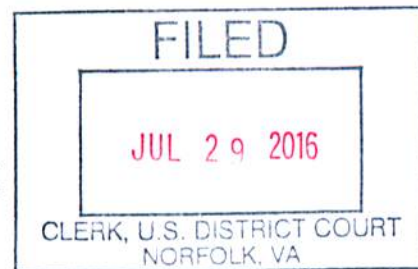


SEALED

AFFIDAVIT IN SUPPORT OF APPLICATION
FOR ISSUANCE OF A CRIMINAL COMPLAINT



I, Stacey A. Sullivan, being first duly sworn state:

2:16mj308

EXPERIENCE AND TRAINING OF AFFIANT

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), have been since October 2008. As part of my daily duties as an FBI agent, I investigate criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252 and 2252A. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography, as defined in 18 U.S.C. § 2256(8), in all forms of media including computer media.
2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

PERSON TO BE ARRESTED

3. This affidavit is being made in support of an application for an arrest warrant for ROBERT LEE PETTY for one count of production of child pornography, in violation of 18 U.S.C. § 2251.
4. Your affiant has assisted in the investigation of the offenses described in this affidavit. As a result of your affiant's participation in this investigation and a review of reports made by other law enforcement officers, your affiant is familiar with the circumstances of this on-going investigation. I have not included each and every fact known to me in this affidavit, but only the facts I believe are necessary to establish probable cause to believe ROBERT LEE PETTY committed violations of 18 U.S.C. §§ 2251.

RJK
SAS

STATUTORY AUTHORITY

5. 18 U.S.C. § 2251(a) proscribes any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in...with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, if such person knows or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

BACKGROUND OF THE INVESTIGATION

6. On March 28, 2016, your affiant, received information from the mother of Jane Doe that over the past few years, ROBERT LEE PETTY instructed Jane Doe, who is currently 15 years old, to take videos of her genitals, using a specific camera. PETTY put the camera in Jane Doe's bedroom and instructed Jane Doe to take videos of herself. Each time she completed a video, Jane Doe was instructed to put the camera in PETTY's nightstand. In return for the videos, Jane Doe would receive things such as shoes, clothing, or be able to hang out with friends.

7. Jane Doe's mother and PETTY were dating and living together for approximately nine years. Initially, they lived at a residence (with Jane Doe) in Newport News, VA, from approximately 2008 to 2012. Jane Doe stated that PETTY's demands began at that address. Then, they all moved to a residence in Virginia Beach from 2012 to 2015, where the abuse

continued. PETTY, Jane Doe, and her mother then moved to another house in Virginia Beach approximately 1½ years ago. Jane Doe stated that PETTY had her create sexually explicit movies and images while at that address as well.

8. As part of the investigation, on April 11, 2016, Jane Doe was forensically interviewed by the Children's Hospital of King's Daughters (CHKD) where she confirmed her mother's report. Jane Doe stated that, beginning when she lived in Newport News with PETTY. PETTY would ask for nude pictures and videos of her via cameras and her iPhone. PETTY was very specific as to what Jane Doe would have to do in the images, the length of the videos, and other details. Initially, Jane Doe, at PETTY's request, would create sexually explicit videos and images on her iPhone and send them electronically to PETTY's cellular phone via text message. Jane Doe stated she also, at PETTY's request, took videos and images via a red camera and a purple Kodak Easyshare camera.

9. PETTY would leave a camera on Jane Doe's desk, located in her bedroom, and tell her to use her time wisely. Based on the years of specific instructions, Jane Doe knew this meant she was to take photos and videos of her genitals and put them back in PETTY's nightstand for his viewing. On another night, PETTY instructed Jane Doe to make three videos; each had to be five minutes in length. Jane Doe highlighted two specific types of movies PETTY requested: one involved rubbing lotion on her body nude and one involved her stretching nude as she would before a track meet.

10. On April 11, 2016, Jane Doe's mother provided consent to your affiant to search one purple Kodak digital camera and one iPhone 6, both of which were manufactured outside of Virginia.

11. On April 12, 2016, Forensic Examiner Rudy Jones examined one purple Kodak digital camera and one iPhone 6. Numerous sexually explicit videos and images of Jane Doe were found on the purple Kodak digital camera. A few of the videos are described below:

- a. _01_2413.mov - this video is two minutes and twenty-two seconds in length. It begins with Jane Doe standing nude in a bedroom in front of a camera. Jane Doe begins rubbing lotion on her breasts. Jane Doe sits down with her legs spread, stretches, and rubs lotion on her body, exposing her vagina to the camera.
- b. _01_2378.mov - this video is three minutes and thirty one seconds in length. It begins with Jane Doe sitting on the floor nude stretching, exposing her vagina to the camera. Jane Doe begins rubbing lotion on her vagina, continuing to stretch. The movie finishes with Jane Doe sitting down, rocking back on the floor exposing her vagina and anus to the camera.

12. On April 13, 2016, United States Magistrate Judge Robert Krask authorized a search warrant of PETTY's residence in Virginia Beach, Virginia.

13. On April 14, 2016, your affiant, along with members of the FBI and other task force members, executed a search warrant at PETTY's residence. Several items were seized during the search.

14. A forensic analysis revealed 72 sexually explicit videos of Jane Doe located on a laptop belonging to PETTY. In a few of the videos, PETTY is in the video watching Jane Doe. In the videos, Jane Doe is routinely exposing her breasts and genitals to the camera.

15. The Kodak Easyshare camera that made the majority of the videos was manufactured in China. The remaining videos were made directly on the laptop computer. The laptop was also manufactured in China.

CONCLUSION

16. Based on the information and evidence set forth above, I respectfully submit that there is probable cause to believe that ROBERT LEE PETTY, from in or about 2012 to in or about 2016, in the Eastern District of Virginia, did employ, use, persuade, induce, entice, and coerce a minor, namely Jane Doe, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, and such visual depictions were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, in violation of 18 U.S.C. § 2251(a).

17. Accordingly, I request that a warrant be issued authorizing the arrest of ROBERT LEE PETTY for violation of 18 U.S.C. § 2251.

FURTHER YOUR AFFIANT SAYETH NOT.



Stacey A. Sullivan
Special Agent
Federal Bureau of Investigation

Sworn to before me this 29th day of July, 2016.



United States Magistrate Judge
Eastern District of Virginia